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Date: March 3, 2006

TO: Examiner Michael A. Cuff

Fax Number: 571 273 8300

Company: U.S. Patent and Trademark Office

Your Reference: U.S. Application No. 09/665,574

FROM: Charles F. Wieland III

Telephone: 703 838 6604

Our Reference: 1032668-000026

Sent By: Christine Becker

Number of Pages: 4
Including Cover:

Re: U.S. Patent Application No. 09/665,574

Message:

Dear Examiner Cuff:

Please see the attached. The Terminal Disclaimer is being filed to avoid the need to explore any potential double patenting issues, and not a concession that any such issues exist. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Buchanan Ingersoll PC

Charles F. Wieland III

VA 849059.1

- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the
☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered.
Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted _____

 on _____
 for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least _____
 which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R.
 § 1.103(c). The required fee under 37 C.F.R. § 1.17(l) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also
 enclosed.

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(8/05)

Attorney Docket No. 1032668-000026Application No. 09/665,574☒ No additional claim fee is required.☐ An additional claim fee is required, and is calculated as shown below.RECEIVED
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AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims		MINUS =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims		MINUS =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

☐ A check in the amount of _____ is enclosed for the fee due.☒ Charge \$ 390.00 to Deposit Account No. 02-4800.☐ Charge _____ to credit card. Form PTO-2038 is attached.

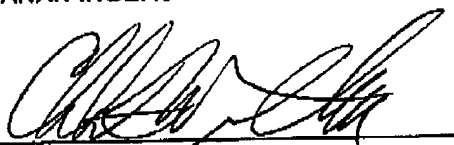
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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By



Charles F. Wieland III
Registration No. 33,096

Date: March 2, 2006

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**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

1032668-000026

In re Patent Application of: Daniel Ian Flitcroft et al.

Application No.: 09/665,574

Filed: September 18, 2000

For: CREDIT CARD SYSTEM AND METHOD

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The owner*, Orbis Patents, Ltd., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending other applications, Application Numbers 09/691,175, 09/235,836 (now U.S. Patent No. 6,636,833) and 09/506,830 filed on October 19, 2000, January 22, 1999 (issued October 21, 2003) and February 18, 2000 respectively, the term being defined in 35 U.S.C. 154 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on the pending other applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the other applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

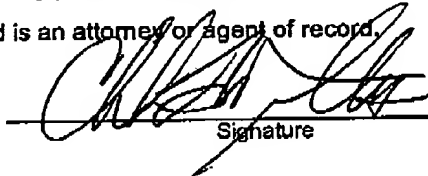
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the other applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.



Signature



Date

Charles F. Wieland III

Typed or printed name

(703) 836-6620

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

03/06/2006 TL0111 00000024 024800 09665574

01 FC:1814	130.00 DA
02 FC:1814	130.00 DA
03 FC:1814	130.00 DA